

REMARKS

In accordance with the foregoing, claim 24 has been amended. Claims 1-36 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group I** in response to the preliminary restriction requirement set forth in the Office Action, wherein Group I includes claims 1-23. However, if the above amendment to claim 24 is acceptable and the Examiner agrees that claims 24-36 are now also in Group I, then Applicants provisionally elect Group I, which includes claims 1-36, and claims 1-36 would remain together in this application.

II. Applicants Traverse the Requirement

Insofar as Groups I and II are concerned, it is believed that claims 24-36 are so closely related to elected claims 1-23 that they should remain in the same application. The elected claims 1-23 are directed to an apparatus to cleave an optical fiber having a cleaning part that cleans the optical fiber after the sheath of the optical fiber is stripped as the jig slides. Claims 24-36, as amended, are drawn to a heated stripper to strip a sheath off the optical fiber and clean an unsheathed optical fiber after stripping the sheath off the optical fiber. It is respectfully submitted that the sheath is stripped and the cleaning of the optical fiber take place in both claims 1-23 and claims 24-26 as the jig slides. That is, viewed in one way, the cleaning takes place after the stripping, and viewed in another way, the cleaning takes place simultaneously with the stripping process, i.e., during the process of the jig sliding. However, claim 24 has been amended for clarity to recite:

An apparatus to cleave an optical fiber, comprising:

a heated stripper to strip a sheath off the optical fiber and ~~simultaneously~~ clean an unsheathed optical fiber after stripping the sheath off the optical fiber; and

a cleaver proximate to the heated stripper and cleaving the unsheathed optical fiber.

Thus, it is respectfully submitted that claim 24, and claims 25-36 which depend therefrom, are now clearly within the disclosed species of claims 1-23, and that no restriction is

necessary.

Also, there have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing claims 1-23 and claims 24-36 in the same field of technology. It is believed, moreover, that evaluation of the claims 1-23 and 24-36 would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Groups I and II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the apparatus recited by the Group I claims is directed to an apparatus to cleave an optical fiber having a cleaning part that cleans the optical fiber after the sheath of the optical fiber is stripped as the jig slides, and the heated stripper recited by the amended Group II claims is directed to a heated stripper to strip a sheath off the optical fiber and clean an unsheathed optical fiber after stripping the sheath off the optical fiber, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application since it is respectfully submitted that, with the amendment of claim 24, claims 1-36 all recite an apparatus that is able to clean an optical fiber after stripping a sheath of the optical fiber, as described by the Examiner for Group I.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment and Response, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

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Date: March 7, 2005

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